



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/811,457

03/26/2004

Richard Hai Huang

SAR100065000

3988

22891

7590

06/12/2006

DELIO & PETERSON
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,457

Applicant(s)

HUANG, RICHARD HAI

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 15-30 is/are allowed.
6) ☒ Claim(s) 1 and 10 is/are rejected.
7) ☒ Claim(s) 2-9 and 11-14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on March 16, 2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 and 10 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 2,164,290 to Hurd.

Regarding claim 1, Hurd discloses a mortise lock comprising a casing (1) having a front plate for confronting a doorframe, a first sidewall and an opposed second sidewall.

A latch bolt (4) movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (11) adapted for connection to a spindle projecting from a handle acting to move the latch bolt to the retracted position when rotated.

A latch retract lever (9) for moving the latch bolt between the extended and retracted positions.

A control hub (14) operably connected to the latch retract lever to move the latch bolt between the extended and retracted positions.

A latch retract blocking element (22") positional to block the latch retract lever to prevent the control hub from retracting the latch bolt. The latch retract blocking

element is positionable without removing the first or second sidewall from the mortise lock to block or unblock the latch retract lever (by means of a key 25 or a thumb knob 24).

As to claim 10, Hurd discloses a mortise lock comprising a casing (1) having a front plate for confronting a doorframe, a first sidewall and an opposed second sidewall.

A latch bolt (4) movable with respect to the casing between an extended position and a retracted position.

At least one spindle hub (14) adapted for connection to a spindle projecting from a handle acting to move the latch bolt to the retracted position when rotated.

An interfering member (16) movable between a locked position in which the interfering member interferingly engages the at least one spindle hub to prevent rotation therefore, and an unlocked position in which the interfering member is disengaged from the at least one spindle hub.

A lock/unlock lever (17) moves the interfering member between the locked and unlocked positions.

A control hub (22) operably connected to the latch retract lever to move the latch bolt between the extended and retracted positions.

A lock/unlock blocking element (22', and key 25 or thumb knob 24) positionable to block the lock/unlock lever to prevent the control hub from moving the lock/unlock lever.

A lock/unlock blocking element (22') positionable to block the lock/unlock lever to prevent the control hub from moving the lock/unlock lever.

Allowable Subject Matter

4. **Claims 15-30 are allowed.**
5. **Claims 2,6, and 11 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. **Claims 3-5,7-9, and 12-14 would also be allowed** because the claims depend from claims 2,6 and 11 respectively.

Response to Arguments

7. Applicant's arguments filed on March 16, 2006 have been fully considered but they are not persuasive.

The applicant argues that Hurd fails to disclose the limitations now presented in the claims (Page 24 Line 13). After further review and consideration of the new language and the Hurd reference, the examiner believes that, at least for claims 1 and 10, Hurd discloses the invention as claimed in those claims. Therefore, the rejection to claims 1 and 10 is maintained.

Conclusion

8. Applicant's amendment, that the latch retract blocking element, the lock/unlock blocking element, and the spindle hub blocking element are required as part of the invention, as claimed in claims 1,10, and 20, and that the spindle hub blocking element extends through the first sidewall into a moving path of the at least one

Art Unit: 3676

spindle hub, as claimed in claim 15, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.C.

Carlos Lugo
Patent Examiner AU 3676
May 31, 2006

A handwritten signature in dark ink, appearing to read "Brian E. Glessner", followed by a long horizontal line extending to the right.

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER